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To: Examiner Nguyen
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Re: USSN 10/509,752
From: George Loud
Total pages: 1

Date: 11-16-2007**Confidential/Privileged**

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Thank you, BACON & THOMAS, PLLC.

Message:**Mr. Nguyen:**

Further to our telephone conversation of earlier today, the following is an outline of the topics I want to cover in a telephone interview.

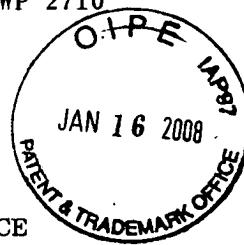
1. The product claims here (claims 1-11 and 19-25) use the language "mixed conductor in the form of a single material" which language was relied upon in prosecution leading to US 7,160,837 (basis for the double patenting here) to overcome the same prior art rejections as here, including that over Vanderburgh. Indeed, the claims here use the same wording as those issued in 7,160,837 with a further, narrowing limitation. Vanderburgh et al disclose electrodes formed of two different, mixed solid phases, e. g. in the form of a dispersion of the electron conductor (carbon or metal particles) in a matrix of the ion exchange polymer (e.g. column 9, lines 10-20), in the form of a mixture of different two different fibers (col. 10, lines 24-30) or in the form of a "conductive graphitized cloth containing a relatively high amount of unhydrolyzed ion exchange resin" (column 10, lines 58+). In contradistinction, the present invention is a homogeneous, single phase material. Accordingly, the first topic of discussion should be the adequacy of the claim language in terms of making the foregoing distinction.
2. How are dependent claims 9, 20 and 22 (reciting covalent bonding between the electron and proton conductors) and dependent claims 23-15 (reciting a polymeric molecular structure as exemplified in Figs. 1, 2 and 4) seen as anticipated by Vanderburgh? The final does not treat these dependent claims.
3. All method claims here recite polymerizing a hydrocarbon. The polymeric precursors taught at column 7, lines 34-47 of Chen et al are not hydrocarbons.
4. Method claim 12 and the claims dependent thereon recite "mixing and polymerizing ... [a hydrocarbon] ... "with a proton conducting material." (Compare method claim 13) In contrast, Chen et al polymerize their chelating agent first and then add the ion conductor in powder form.

Please review and telephone me at 703 683-0500 to arrange a telephone interview.
G. Loud

Attachment #2



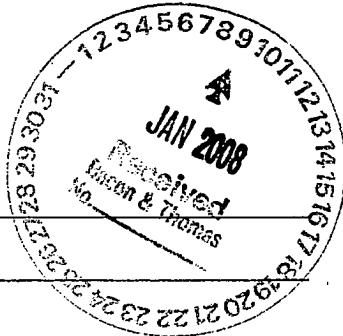
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Fax Cover Sheet

Date: 09 Jan 2008



To: Mr. George Loud	From: Khanh T. Nguyen
Application/Control Number: 10/509,752	Art Unit: 1796
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Urgent For Review For Comment For Reply Per Your Request

Comments:

Attn: Mr. Loud

Per our discussion, here are the suggested amendment to application No. 10/509,752.

Number of pages ? including this page

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1. (Currently amended) A mixed conductor in the form of a single material comprising
~~characterized by being a compound of an formed by pyrolysis of a mixture comprising an~~
organic precursor and a proton conductor phase of inorganic electron conductor portions
made of carbonaceous material and inorganic proton conductor portions of an inorganic
material, said inorganic electron conductor and inorganic proton conductor portions being
fixed together by at least one of covalent bonding, intercalation and inclusion, said mixed
conductor exhibiting both electron and proton conduction at a temperature below 200° C.

2. (Previously presented) The mixed conductor according to claim 1, wherein said
electron conductors are obtained by carbonizing at least one member selected from the
group consisting of aliphatic hydrocarbons, aromatic hydrocarbons and derivatives
thereof ~~of the aliphatic hydrocarbon and the aromatic.~~

3. (Previously presented) The mixed conductor according to claim 2, wherein ~~each of~~
~~said aliphatic hydrocarbon, aromatic hydrocarbon and derivatives of the aliphatic~~
~~hydrocarbon and the aromatic hydrocarbon contains~~ at least one member is selected from
the a group consisting of polyacetylene, resorcinol, phenol, phenylphenol, polyaniline,
polypyrrole, polythiophene, phenylphosphoric acid, phenylsilane alkoxide, pyrogallol,
and dihydroxybiphenyl.

4. (Canceled)

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5. (Previously presented) The mixed conductor according to claim 1, wherein said proton conductor portions contain ~~e~~contains at least one member selected from the a phosphorus-containing compounds, a sulfur-containing compounds, carboxylic acids, boric acid and inorganic solid-state acids.

6. (Previously presented) The mixed conductor according to claim 1, wherein said electron conductor portions have ~~e~~conductor has consecutive carbon-carbon bonds including a carbon-carbon double bond.

7. (Previously presented) The mixed conductor according to claim 1, wherein said mixed conductor supports a noble metal catalyst.

8. (Currently amended) A mixed conductor in the form of a single material by pyrolysis comprising ~~w~~herein an inorganic electron conductor portions made of carbonaceous material obtained by carbonizing ~~a~~ organic said material ~~is fixed~~ and inorganic a proton conductor portions, said inorganic electron conductor and inorganic proton conductor portions being fixed together by at least one of covalent bonding, intercalation and inclusion, said mixed conductor exhibiting both electron and proton conduction at a temperature below 200° C.

9. (Previously presented) The mixed conductor according to claim 8, wherein the electron conductors are ~~e~~conductor ~~is~~ fixed to the proton conductors by a covalent bond.

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10. (Previously presented) The mixed conductor according to claim 8, wherein the electron conductors are ~~e~~conductor is fixed to the proton conductors by intercalation.

11. (Previously presented) The mixed conductor according to claim 8, wherein the electron conductors are ~~e~~conductor is fixed to the proton conductors by inclusion.

12. (Previously presented) A method of producing a mixed conductor comprising: a first step of obtaining a high molecular weight precursor by mixing and polymerizing at least one member selected from the ~~a~~ group consisting of aliphatic hydrocarbon, aromatic hydrocarbon and derivatives thereof ~~of the aliphatic hydrocarbon and the aromatic hydrocarbon~~ with a proton conducting material; and a second step of burning the high molecular weight precursor, obtained in the first step, in ~~under~~ an inert atmosphere.

13. (Previously presented) A method of producing a mixed conductor comprising: a first step of ~~obtaining a high molecular precursor by mixing and polymerizing at least one~~ member selected from the ~~a~~ group consisting of aliphatic hydrocarbons, aromatic hydrocarbons and derivatives thereof ~~of the aliphatic hydrocarbon and the aromatic hydrocarbon~~; and a second step of mixing a proton conducting material with the polymerized member to obtain a high molecular weight precursor ~~into said at least one upon polymerization thereof~~; and a third ~~seeond~~ step of burning the high molecular weight precursor obtained in the first step in under an inert atmosphere to convert the polymerized member to electron conducting portions.

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14. (Currently amended) A mixed conductor producing method wherein an organic compound is bound or mixed with a compound having movable protons proton conduction to obtain a high polymer precursor, and said high polymer precursor is carbonized to thereby impart electron conduction to the precursor.

15. (Previously presented) The mixed conductor producing method according to claim 12, wherein ~~each~~ of said at least one member is selected from the ~~a~~ group consisting of ~~aliphatic hydrocarbon, aromatic hydrocarbon and derivatives of the aliphatic hydrocarbon and the aromatic hydrocarbon is at least one selected from a group consisting of~~ polyacetylene, resorcinol, phenol, phenylphenol, polyaniline, polypyrrole, polythiophene, phenylphosphoric acid, phenylsilane alkoxide, pyrogallol, and dihydroxybiphenyl.

16. (Previously presented) The mixed conductor producing method according to claim 12, wherein said proton conducting material is ~~conductor contains~~ at least one member selected from the ~~a~~ group consisting of a phosphorus-containing compounds, a sulfur-containing compounds, carboxylic acids, boric acid, and inorganic solid-state acids.

17. (Previously presented) The mixed conductor producing method according to claim 12, comprising a third step of supporting a noble metal catalyst on ~~causing~~ the product burned in said second step to support a noble metal catalyst.

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18. (Previously presented) The mixed conductor producing method according to claim 12, wherein the first step comprises heating the high molecular precursor or heating the high molecular precursor under a pressurized condition.

19. (Previously presented) The mixed conductor according to claim 1 exhibiting both electron and proton conduction at temperatures within a range of from room temperature to 60° C.

20. (Previously presented) The mixed conductor according to claim 1 wherein said electron and proton conductor portions are covalently bound in a single polymeric molecular structure.

21. (Previously presented) The mixed conductor according to claim 8 exhibiting both electron and proton conduction at temperatures within a range of from room temperature to 60° C.

22. (Previously presented) The mixed conductor according to claim 8 wherein said electron and proton conductor portions are covalently bound in a single polymeric molecule structure.

23. (Previously presented) The mixed conductor according to claim 1 wherein the electron conductor portions are carbon skeletons bridged by the proton conductor portions.

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24. (Previously presented) The mixed conductor according to claim 8 wherein the electron conductor portions are carbon skeletons bridged by the proton conductor portions.